

REMARKS/ARGUMENTS

Applicant filed a Notice of Appeal on July 8, 2003. An Appeal Brief was timely filed on September 23, 2003. By letter dated December 9, 2003, the Examiner informed Applicant that claims had not been entered because they raised the issue of new matter. The Examiner pointed out that upon examination, those claims may or may not be determined to contain new matter.

Pursuant to the procedure requirements, Applicant hereby files the Request for Continuing Examination to force examination of the issue of new matter.

This Amendment is responsive to the Final Rejection of the Examiner mailed April 8, 2003. Applicant proposes amendment to the claims to place the claims in better format for appeal and to follow the suggestion implicit in the Examiner's Final Rejection.

The Examiner's attention is respectfully directed to page 10, paragraph 16 entitled "Response to Arguments." In paragraph 16 of the Final Rejection the Examiner states:

... However, the claims do not require a continuous, entirely planar, circumferential surface...

To avoid controversy on appeal over the wording of the claims, applicant proposes amendment to the claims to include the limitation implicitly proposed in the rejection.

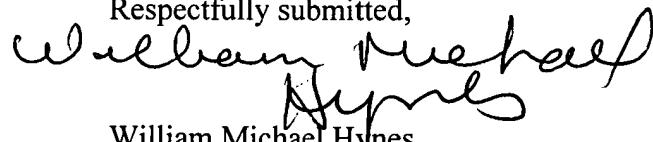
Applicant could not have known of this desired language until his receipt of the Final Rejection. It is further submitted that the proposed amendment does not require further search and that issue in this application has been reached. Accordingly the entry of this Amendment is earnestly solicited, and applicant requests that this application either be passed to allowance or finally rejected for appeal.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this application are in condition for allowance and an action to that end is urged.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



William Michael Hynes
Reg. No. 24,168

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
WMH:wmh
60105561 v1